

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EDWARD SWAIM,

Petitioner,

vs.

JEREMIAH W. "JAY" NIXON and EUGENE  
STUBBLEFIELD,

Respondents.

Case No. 4:07CV01574 AGF

**ORDER**

This matter is before the Court upon the application of Edward Swaim for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the undersigned finds that the applicant is financially unable to pay any portion of the filing fee.

Therefore,

**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis [Doc. #5] is **GRANTED**. See 28 U.S.C. § 1915.

**IT IS FURTHER ORDERED** that the Clerk shall docket this petition as Edward Swaim v. Jeremiah W. "Jay" Nixon and Eugene Stubblefield.<sup>1</sup>

Dated this 17th day of October, 2007.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>Petitioner has named as respondents the State of Missouri and Jefferson County, Missouri. The proper respondent for a prisoner currently in custody pursuant to a state judgment is the state officer having custody of the applicant. See 28 U.S.C. § 2254, Rule 2(a) and (b). However, petitioner is in the custody of the St. Louis City Justice Center and is challenging a Missouri conviction. Therefore, the proper respondent would not only be the officer having present custody over the petitioner, Eugene Stubblefield, superintendent of the St. Louis City Justice Center, but also Jeremiah W. "Jay" Nixon, Missouri State Attorney General.